

'Phantom's' health cited in new lease

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Fox Theatre officials said they have been having "ongoing conversations" with longtime resident Joe Patten for about two years on whether the 83-year-old man can remain living in a stately apartment hidden in the historic venue.

Speaking to reporters for the first time since issuing a new lease to Patten, Fox Theatre general manager Allan Vella said Wednesday that the conversation "is not a new one for Joe."

Vella said Patten's friends and family have asked Fox staff members to check on him more frequently in the past two years. Most recently, a staff emergency medical technician was called to take Patten, a diabetic, to the hospital.

"It's really our experience that he is declining," Vella said at a news conference held at the Fox.

Patten, formerly the theater's technical director, has lived in a 3,640-square-foot apartment rent-free for 30 years. The lease, signed in December 1979, said he could remain there for life.

That lease could be terminated if Patten became permanently disabled for 180 days or more and a panel of three doctors said he should be hospitalized.

The lease also could be terminated if Atlanta Landmarks, the nonprofit that runs the Fox, does so by a two-thirds vote.

That's what happened at a closed meeting Monday afternoon.

The board issued Patten a new lease, one that says he can live there "as long as he is able."

Vella said that means "when Joe needs significantly more care," such as live-in aide.

The issue is one that Vella said the board hoped to deal with on a one-on-one basis with Patten, the man known as the "Phantom of the Fox."

Instead it's turned into a public matter.

Vella said Fox officials will be giving Patten his new lease in the next day or two and remain hopeful that he will sign it. A Fox spokeswoman said theater officials have not heard from Patten since Monday.

Patten's attorney, Emmet Bondurant, told the AJC he's interested in what's negotiable.

The new occupancy agreement states that the apartment "is not the appropriate venue for medical or personal care assistance of the nature of 'assisted living.'"

Bondurant told the AJC he received the new occupancy agreement Friday and took it to Patten's apartment around 4 p.m. that day.

Patten is upfront about his diabetes, even telling reporters trying to talk to him Wednesday afternoon that his blood sugar was dropping and he needed to get up to his apartment to eat. Patten must climb about 70 stairs to reach his apartment. It does not have elevator access.

Escalating health issues and the ability to move around without assistance are two things that confront people who have aging friends and family members, Clara Axam, secretary for the Atlanta Landmarks board, told reporters Wednesday.

There's a major difference with Patten, she said: He lives in a public building and he lives in the Fox Theatre.

"We're hurting because of the decisions we've had to make," she said.